IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 95 OF 2007.

Mr. Rohit Chugani ..Petitioner
V/s
The State of Maharashtra & Anr. ..Respondents.

Mr.A.P. Mundargi i/b A.M. Saraogi for the Petitioner.

Mr.M.S. Mhambre, APP for the State.

Mrs. Revati Mohite Dere for respondent NO.2.

CORAM : R.M.S.KHANDEPARKAR AND
SMT. V.K. TAHILRAMANI, JJ.

DATE : 10TH JULY , 2007.

P.C.

. In terms of the order dated 3rd July, 2007, the learned Counsel for the petitioner has presented the cheque for Rs.10 lakh drawn on ICICI Bank Ltd., Powai Branch, Mumbai dated 7th August, 2007, in favour of Pooja Chugani and the same has been handed over to the Advocate for the respondent No.2. In view of the said post dated cheque, the respondent No.2 would be entitled to collect the amount as assured under the said cheque, on or after 7th August, 2007, but after the decree of divorce by the Family Court and in case the cheque bounces or is refused to be honoured by the Bank when

presented for encashment, the criminal complaint, which is to be quashed pursuant to the Consent Terms would automatically stands revived and in Terms of Consent terms. On depositing of the said cheque with the promise to pay the amount on or after 7th August, 2007, the criminal Complaint being C.R.No.358 of 2006, registered at Juhu Police Station, Mumbai shall stand quashed, subject to that in case of dishonour of the said cheque, the said complaint shall automatically stand revived. Further, in terms of clause (5) of the Consent Terms, the petitioner would be entitled for return of the Laptop and the Digital Camera, which are seized by the police during the investigation.

2. The petition stands disposed of accordingly.

(R.M.S. KHANDEPARKAR, J.)

(SMT. V.K.TAHILRAMANI,J.)